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Jeanne Geselbracht to: Tom Hagler, Elaine Suriano

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Cc: Michele Dineyazhe, Laura Mayo, John Hillenbrand

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Jeanne Geselbracht
Environmental Review Office (CED-2)
U.S. EPA Region 9
75 Hawthorne Street
San Francisco, CA 94105

Phone: (415) 972-3853

Fax: (415) 947-8026

----- Forwarded by Jeanne Geselbracht/R9/USEPA/US on 11/17/2009 10:31 AM -----

From: Kathleen Goforth/R9/USEPA/US
To: Jeanne Geselbracht/R9/USEPA/US@EPA
Date: 11/17/2009 10:27 AM
Subject: Full news clips re: uranium mine @ Grand Canyon

Lawsuit Challenges Uranium Mine That Threatens Water and Wildlife of the Grand Canyon
By: Center for Biological Diversity

FLAGSTAFF, Ariz. November 16, 2009 - Today the Center for Biological Diversity, Grand Canyon Trust, and Sierra Club filed suit in an Arizona federal court challenging the Bureau of Land Management's approval of the restart of a defunct uranium mine just north of Grand Canyon National Park.

The conservation groups are suing over the Bureau's failure to update 1980s-era environmental reviews and mining plans prior to allowing Denison Mines Corporation to begin mining at the "Arizona 1" mine. The mine was partially constructed in the late 1980s and early 1990s but was closed due to market conditions in 1992 without producing any uranium ore. The Bureau of Land Management did not respond to a September legal notice from conservation groups urging the agency to correct course in order to avoid today's litigation. The mine is within the same area that Interior Secretary Ken Salazar placed off-limits to new mining claims and operations in an order issued in July of this year.

Today's suit cites violations of National Environmental Policy Act provisions that require the land-management agency to consider new information regarding the hydrology, spring ecology, and biodiversity of the area in order to accurately evaluate the impacts of the mine. An update to an outdated 1988 environmental assessment, as well as a more thorough analysis, is warranted given new information, circumstances, and public controversy about renewed uranium mining near Grand Canyon. The suit also cites violations of the Endangered Species Act in the federal government's failure to ensure that new mining will not jeopardize threatened and endangered species or their critical habitat - including Colorado pikeminnow, humpback chub, bonytail, razorback sucker, southwestern willow flycatcher, and Mexican spotted owl.

"The Bureau of Land Management's refusal to redo outdated environmental reviews is as illegal as it is unethical," said Taylor McKinnon, public lands campaigns director at the Center for Biological Diversity. "It should be eager to protect the Grand Canyon and its endangered species; instead, it has chosen to shirk environmental review on behalf of the uranium industry."

The suit also cites violations of mining laws and the Federal Land Policy and Management Act over the agency's failure to require validity exams for the mine's claims and a new plan of operations for the mine; the old plan expired with the mine's 1992 closure. The Interior Department's July 2009 one-million-acre land segregation order, now in force, and its proposed 20-year mineral withdrawal prohibit new mining claims and the exploration and mining of existing claims for which valid existing rights have not been established. Although the Arizona 1 mine falls within the segregation boundary, valid rights have not been established for the mine's claims.

"Arizona 1's original mine owners went bankrupt and thus never established an economically viable uranium deposit required to establish a valid and existing right," noted Roger Clark with the Grand Canyon Trust. "It's time for the BLM to serve the public interest by complying with the law."

Spikes in uranium prices have caused thousands of new uranium claims, dozens of proposed exploration drilling projects, and proposals to reopen old uranium mines adjacent to Grand Canyon. Renewed uranium development threatens to degrade wildlife habitat and industrialize now-wild and iconic landscapes bordering the park; it also threatens to deplete and contaminate aquifers that discharge into Grand Canyon National Park and the Colorado River. The Park Service warns against drinking from several creeks in the Canyon exhibiting elevated uranium levels in the wake of past uranium mining.

"The Grand Canyon, other public lands, and native peoples are still suffering from the impacts of past uranium mining activities," said Sandy Bahr, chapter director of the Sierra Club's Grand Canyon Chapter. "We need to ensure that we do not repeat that history and allow harm to one of our nation's treasures or to the millions of people who enjoy the lands and rely on the water."

Proposed uranium development has provoked litigation, public protests, and statements of concern and opposition from scientists; city officials; county officials, including Coconino County; former Governor Janet Napolitano; state representatives; the Navajo Nation, and the Kaibab Paiute, Hopi, Hualapai and Havasupai tribes; the Metropolitan Water District of Southern California; and the Southern Nevada Water Authority, among others. Statewide polling conducted by Public Opinion Strategies shows overwhelming public support for withdrawing from mineral entry the lands near Grand Canyon; Arizonans support protecting the Grand Canyon area from uranium mining by a two-to-one margin.

Attorneys representing the plaintiff groups in today's litigation are Amy Atwood of the Center for Biological Diversity, Neil Levine of Grand Canyon Trust, and Roger Flynn of the Western Mining Action Project.

Suit filed to block uranium-mine from opening near Grand Canyon
By Bill Coates - Arizona Capitol Times

A trio of environmental groups has followed through on a threat to sue the Bureau of Land Management for giving a green light to a uranium-mine north of the Grand

Canyon.

The bureau approved operations for the Arizona 1 mine under an environmental assessment conducted in the 1980s. But the groups that filed the suit on Nov. 16 claimed environmental standards have since become more stringent and a new review should be required.

"This lawsuit seeks the BLM's compliance with mining laws, the Endangered Species Act and the National Environmental Policy Act, all of which it is running afoul of by not taking new environmental reviews," said Taylor McKinnon of the Center for Biological Diversity in Flagstaff.

The lawsuit was filed in U.S. District Court in Phoenix by the center, the Grand Canyon Chapter of the Sierra Club and the Grand Canyon Trust.

The groups contend mining activity could contaminate springs that feed into the Grand Canyon and end up jeopardizing native wildlife species. In September, they notified BLM of their intent to sue if the agency did not require a new environmental review.

Sandy Bahr, director of the Sierra Club's Grand Canyon Chapter, said the area near the Grand Canyon was too important environmentally to "rely on outdated environmental data."

The mine is owned by Denison Mines Corp. of Toronto. It was partly built in the late 1980s and early 1990s, but never actively mined. As the price of uranium has risen, however, mining companies have showed renewed interest in uranium deposits on federal land surrounding Grand Canyon National Park.

Right now, there are no active uranium mines in the area.

BLM and Denison officials have said the uranium deposits in Arizona 1 are hundreds of feet above the aquifer that might feed the springs. BLM spokeswoman Deborah Stevens told the Arizona Capitol Times in September that the 1980s environmental assessment still stood.

But Stevens said Nov. 16 she had no immediate information on the suit and would not comment.

In July, U.S. Interior Secretary Ken Salazar ordered the withdrawal of about 1 million acres of federal land near the Grand Canyon from new uranium claims, pending the outcome of a two-year environmental review. The order exempted existing claims tied to "valid existing rights," where ore worth mining has been all but assured.

The environmental groups behind the lawsuit said a valid right has not been established for Arizona 1. Denison officials have disputed that.

"We don't feel that there are issues with regards to the rights to that mine," Denison President and CEO Ron Hochstein said Nov. 16.

Despite the suit, he said, the company is moving forward with mine production on Arizona 1.

"We have all the permits in place necessary to move forward," he said. "We anticipate ore production in the first quarter of 2010."

Suit challenges Utah company mining near Grand Canyon
By Amy Joi O'Donoghue - Deseret News [Salt Lake City, UT]

A coalition of environmental groups filed a federal lawsuit Monday challenging a Utah company's plans to begin uranium mining operations within 10 miles of Grand Canyon National Park.

The Sierra Club, the Center for Biological Diversity and the Grand Canyon Trust claim the Bureau of Land Management is using an old environmental assessment from 1988 in allowing Denison Mines to begin operations at the "Arizona 1" mine.

"The Bureau of Land Management's refusal to redo outdated environmental reviews is as illegal as it is unethical," said Taylor McKinnon, public lands campaigns director at the Center for Biological Diversity. "It should be eager to protect the Grand Canyon and its endangered species; instead, it has chosen to shirk environmental review on behalf of the uranium industry."

The mine was partially constructed in the late 1980s and early 1990s but was closed due to market conditions in 1992 without producing any uranium ore.

New conditions have driven Denison Mines Corp. to seek approval for the mining activity through various regulatory authorities, including the Arizona Department of Environmental Quality, which issued an air quality permit that would allow uranium ore mining at a rate of close to 110,000 tons a year, according to the complaint.

The complaint, which also names the U.S. Fish & Wildlife Service, asserts "the recommencement of uranium exploration and mining operations at the Arizona 1 mine may cause environmental impacts that have never been considered," including consequences to groundwater, fish, wildlife, and threatened and endangered species.

The suit cites violations of National Environmental Policy Act provisions that require the land-management agency to consider new information regarding the hydrology, spring ecology and biodiversity of the area.

Despite the mine's location in the same area that Interior Secretary Ken Salazar placed off-limits to new mining claims and operations earlier this year, the BLM has refused to exercise renewed scrutiny of the corporation's plans.

Salazar's prohibition of new mining activity on more than 1 million acres of federal land near the park says such actions can only occur if they are the result of a valid pre-existing claim in which a "valuable mineral deposit" has been discovered, according to the complaint.

The suit contends that neither the Department of the Interior nor the BLM have bothered to "verify" the existence of mineral deposits and has repeatedly ignored the groups' requests for a new assessment.

Filed in Arizona's federal court, the suit seeks to set aside any authorizations of exploration and mining operations at the mine and a mineral examination report to verify valid existing claims.